S.B.CIVIL MISC. APPEAL NO.1187/2006
(Smt.Gulab & ors. Vs. United India Insurance Co. Ltd. & ors.)

DATED : 24.08.2006

HON'BLE MR.JUSTICE DINESH MAHESHWARI

Mr.Kailash Trivedi for the appellants

By way of this appeal, the claimants seek enhancement over the amount of Rs.4,14,000/- awarded by the Motor Accidents Claims Tribunal, Pali as compensation on account of accidental death of Babulal, husband of appellant No.1 and father of appellant Nos.2 to 4 by its award dated 02.08.2005 in Claim Case No.541/2001.

For the purpose of quantification of compensation, the Tribunal has estimated the income of the deceased at Rs.3,000/- per month from the job work of welding and lathe machine; and taking the dependency at Rs.2,000/- per month has applied a multiplier of 16 taking the age of the deceased in the age group of 35-40 years in view of the fact that his age has been stated at 35 years in the claim application and the post-mortem report. The Tribunal has thus calculated pecuniary loss at Rs.3,84,000/- and added Rs.5,000/- towards funeral and transportation expenses and Rs.25,000/- towards non-pecuniary loss.

Learned counsel for the claimants contends that the income of the deceased ought to have been accepted minimum at Rs.5,000/- per month in view of the evidence produced on record; that the multiplier of 16 applied by the Tribunal is on the lower side in view of the age of the deceased at 35 years; and that non-pecuniary loss has also been allowed on lower side.

Having heard learned counsel for the claimants and having perused the impugned award, this Court is satisfied that the award on its quantification of compensation cannot be said to be too low or grossly inadequate so as to warrant interference in appeal.

The deceased has been shown to be an skilled workman but there being no proof of settled income, the estimate taken by the Tribunal of the income at Rs.3,000/- per month and dependency at Rs. 2,000/- per month cannot be said to be falling on much lower side. The Tribunal has reasonably applied the multiplier of 16 taking the age of the deceased in the group of 35-40 years and has reasonably assessed the pecuniary loss at Rs. 3,84,000/-.

Non-pecuniary loss has been awarded at Rs.10,000/- for loss of consortium to the wife and Rs.5,000/- to each of the children of the deceased for loss of love, affection and

guidance of their father. Such amount too cannot be said to be falling on the lower side.

In the overall circumstances of the case, the ultimate award made by the Tribunal in the sum of Rs.4,14,000/- cannot be said to be falling too short of just compensation and there appears no scope for upward revision and, therefore, this appeal does not merit admission.

The appeal is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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